

58-60-102 Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Client" or "patient" means an individual who consults or is examined or interviewed by an individual licensed under this chapter who is acting in the individual's professional capacity.
- (2) "Confidential communication" means information obtained by an individual licensed under this chapter, including information obtained by the individual's examination of the client or patient, which is:
 - (a)
 - (i) transmitted between the client or patient and an individual licensed under this chapter in the course of that relationship; or
 - (ii) transmitted among the client or patient, an individual licensed under this chapter, and individuals who are participating in the diagnosis or treatment under the direction of an individual licensed under this chapter, including members of the client's or patient's family; and
 - (b) made in confidence, for the diagnosis or treatment of the client or patient by the individual licensed under this chapter, and by a means not intended to be disclosed to third persons other than those individuals:
 - (i) present to further the interest of the client or patient in the consultation, examination, or interview;
 - (ii) reasonably necessary for the transmission of the communications; or
 - (iii) participating in the diagnosis and treatment of the client or patient under the direction of the mental health therapist.
- (3) "Hypnosis" means, when referring to individuals exempted from licensure under this chapter, a process by which an individual induces or assists another individual into a hypnotic state without the use of drugs or other substances and for the purpose of increasing motivation or to assist the individual to alter lifestyles or habits.
- (4) "Individual" means a natural person.
- (5) "Mental health therapist" means an individual who is practicing within the scope of practice defined in the individual's respective licensing act and is licensed under this title as:
 - (a) a physician and surgeon, or osteopathic physician engaged in the practice of mental health therapy;
 - (b) an advanced practice registered nurse, specializing in psychiatric mental health nursing;
 - (c) an advanced practice registered nurse intern, specializing in psychiatric mental health nursing;
 - (d) a psychologist qualified to engage in the practice of mental health therapy;
 - (e) a certified psychology resident qualifying to engage in the practice of mental health therapy;
 - (f) a clinical social worker;
 - (g) a certified social worker;
 - (h) a marriage and family therapist;
 - (i) an associate marriage and family therapist;
 - (j) a clinical mental health counselor; or
 - (k) an associate clinical mental health counselor.
- (6) "Mental illness" means a mental or emotional condition defined in an approved diagnostic and statistical manual for mental disorders generally recognized in the professions of mental health therapy listed under Subsection (5).
- (7) "Practice of mental health therapy" means treatment or prevention of mental illness, whether in person or remotely, including:

- (a) conducting a professional evaluation of an individual's condition of mental health, mental illness, or emotional disorder consistent with standards generally recognized in the professions of mental health therapy listed under Subsection (5);
 - (b) establishing a diagnosis in accordance with established written standards generally recognized in the professions of mental health therapy listed under Subsection (5);
 - (c) prescribing a plan for the prevention or treatment of a condition of mental illness or emotional disorder; and
 - (d) engaging in the conduct of professional intervention, including psychotherapy by the application of established methods and procedures generally recognized in the professions of mental health therapy listed under Subsection (5).
- (8) "Remotely" means communicating via Internet, telephone, or other electronic means that facilitate real-time audio or visual interaction between individuals when they are not physically present in the same room at the same time.
- (9) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-60-109.
- (10) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-60-110, and may be further defined by division rule.

Amended by Chapter 16, 2013 General Session

Amended by Chapter 123, 2013 General Session